

Sixth Appellate District

San Jose, California

MONDAY, JUNE 7, 2004

H026749 PEOPLE v. MORA-CABRERA

The judgment is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Elia, J.)  
Filed June 7, 2004

H026104 PEOPLE v. PAKES

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed June 7, 2004

H025879 PEOPLE v. VELARDE

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the strike prior finding and serve the amended abstract on the California Department of Corrections. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed June 7, 2004

H025423 SMITH v. QR, INC., et al.

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed June 7, 2004

H026119 PEOPLE v. HURTADO

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated May 4, 2004, is hereby vacated. The court by separate letter issued June 4, 2004, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.  
Dated: June 7, 2004 Bamattre-Manoukian, Acting P.J.

H025952 PEOPLE v. VALENCIA

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)  
Filed June 7, 2004

Sixth Appellate District

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TUESDAY, JUNE 8, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and W. Magsaysay, Deputy Clerk.

H026204 SHAEV v. CLAFLIN

Cause called. Bamattre-Manoukian, Acting P.J., discloses possible conflict in this case but indicates that she is of the opinion that she is not disqualified from participating in this case. Parties may file a written response or objection, if any to her participation in this case, no later than Friday, June 10, 2004. Cause is then argued by Irving Bizar appearing for Appellant and by Boris Feldman appearing for Respondent. Cause ordered submitted.

H026392 IN RE EBRAHIM SADEGHY ON HABEAS CORPUS

Cause called and argued by Michael R. Llewellyn, Deputy Attorney General, appearing for Appellant and by Dallas Sacher appearing for Respondent. Cause ordered submitted.

H023906 PEOPLE v. HERZOG

Cause called and argued by Eric S. Multhaup appearing for Appellant and by John H. Deist, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025995 ABDOLLAHI v. BMW OF NORTH AMERICA, et al.

Cause called and argued by O. Anthony Abdollahi, appellant appearing in propria persona, by Roger Scott Raphael appearing for Respondent BMW of North America and by Dennis L. Yeoh appearing for Respondent Allison BMW. Cause ordered submitted. Court adjourns.

H025433 KAPCZYNSKI v. CORMIER

By the Court\*:

Respondent's petition for rehearing is denied.

Filed: June 8, 2004

\*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

WEDNESDAY, JUNE 9, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J. and J. Michel Casique, Deputy Clerk.

H027417 MONIQUE H. v. SUPERIOR COURT (DFCS)

Cause called for order to show cause hearing re contempt of court for failure to file a timely reporter's transcript. Graciela Miramontes is present. The court discusses the reporter's history of late filings of her transcripts and the issuance of orders to show cause. The court admonishes the reporter that she will be required to appear for any future orders to show cause and faces sanctions in the form of a fine.

H027124 PEOPLE v. TYRONE OWENS

Cause called for order to show cause hearing re contempt of court for failure to file a timely reporter's transcript. Donna Waller is present. The court discusses the reporter's history of late filings of her transcripts and the issuance of orders to show cause. The court admonishes the reporter that she will be required to appear for any future orders to show cause and faces sanctions in the form of a fine.

Court stands in adjournment.

H026234 In re ANGELIC C., et al.; DFCS v. MONIQUE H.  
By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: June 9, 2004  
\*Before Rushing, P.J., Premo, J. and Elia, J.

H025576 PEOPLE v. MOLOTLA

By the Court\*:  
Appellant's petition for rehearing is denied.  
Filed: June 9, 2004  
\*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

THURSDAY, JUNE 10, 2004

H026157 PEOPLE v. MONDINI

The judgment is modified to reflect a restitution fine pursuant to Penal Code section 1202.4, subdivision (b) in the amount of \$200 and a parole revocation fine pursuant to Penal Code section 1202.45 in the amount of \$200, the latter to be suspended unless defendant's parole is revoked. The superior court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed June 10, 2004

H026754 PEOPLE v. HARWARD

The blood test order is stricken and the matter is remanded to the trial court to determine whether there was probable cause to believe that defendant transmitted a bodily fluid capable of transmitting the HIV virus to the victims. In all other respects, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed June 10, 2004

H026199 PEOPLE v. YOUTSEY

The judgment is reversed. The matter is remanded to allow defendant to withdraw his plea. (not published)

(Mihara, J.; I concur: McAdams, J., Concurring opinion by Bamattre-Manoukian, Acting P.J.)

Filed June 10, 2004

H026309 PEOPLE v. MENDOZA

The order appealed from is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed June 10, 2004

H026480 PEOPLE v. VICK

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed June 10, 2004

Sixth Appellate District

San Jose, California

Thursday, June 10, 2004 (continued)

H025694 PEOPLE v. CHAIRES, et al.

We modify the judgment as to defendant Patterson to delete the AIDS and HIV involuntary testing order pursuant to section 1202.1. We similarly modify the judgment as to defendant Chaires to delete the AIDS and HIV involuntary testing order pursuant to section 1202.1. As modified, the judgment as to each defendant is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed June 10, 2004

H025805 HADDAD, et al. v. CITY COUNCIL OF MONTEREY

By the Court\*:

Appellants' petition for rehearing is denied.

Filed: June 10, 2004

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H025468 PERRY v. DEPARTMENT OF MOTOR VEHICLES

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed June 10, 2004

H025518 KORMOS v. KORMOS

The post-judgment order is reversed, and the matter is remanded for further proceedings. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed June 10, 2004

H025526 CORTINAS on Habeas Corpus

By the Court\*:

On the court's own motion rehearing is granted in the above entitled cause. The cause herein is ordered resubmitted.

Filed: June 10, 2004

\*Rushing, P.J., Premo, J. and Elia, J. participated in this decision.

H022727 PEOPLE v. DOMINGUEZ

(Filed order modifying opinion.) The appellant's petition for rehearing is denied. There is no change in the judgment. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed June 10, 2004

In The Court Of Appeal Of The State Of California

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San Jose, California

FRIDAY, JUNE 11, 2004

(no minute approved orders)